

# **EXHIBIT E**

1           IN THE UNITED STATES DISTRICT COURT FOR THE  
2           NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

3           CASE NO. 18-CV-7192

4           JUDGE STEVEN SEEGER

5           MAGISTRATE JUDGE JEFFREY COLE

7           BERNARD MIMS,

8           Plaintiff

10           V.

12           THE CITY OF CHICAGO, KENNETH

13           BOUDREAU, RICHARD PECK, ROBERT

14           MONTGOMERY, DANIEL MCNALY,

15           TED PRZEPIORA, MICHAEL McDERMOTT,

16           RAYMOND KAMINSKI, JEAN ROMIC, AND JOHN CLISHAM,

17           Defendants

23           DEPONENT: MICHAEL McDERMOTT

24           DATE: JULY 8, 2021

25           REPORTER: AALAYAH PURNELL

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14 ON BEHALF OF THE DEFENDANTS, KENNETH BOUDREAU, RICHARD  
15 PECK, ROBERT MONTGOMERY, DANIEL MCNALY, TED PRZEPIORA,  
16 MICHAEL MCDERMOTT, RAYMOND KAMINSKI, JEAN ROMIC, AND  
17 JOHN CLISHAM:

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3 Also Present: Stephanie Nalley, Videographer  
4  
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1 STIPULATION  
2

3 The VIDEO deposition of MICHAEL MCDERMOTT was taken at  
4 KENTUCKIANA REPORTERS, 30 SOUTH WACKER DRIVE, 22ND  
5 FLOOR, CHICAGO, ILLINOIS 60606 via videoconference in  
6 which all participants attended remotely on THURSDAY the  
7 8th day of JULY 2021 at approximately 10:03 a.m. CST;  
8 said deposition was taken pursuant to the FEDERAL Rules  
9 of Civil Procedure. The oath in this matter was sworn  
10 remotely pursuant to FRCP 30.

11  
12 It is agreed that AALAYAH PURNELL, being a Notary Public  
13 and Court Reporter for the State of KENTUCKY, may swear  
14 the witness and that the reading and signing of the  
15 completed transcript by the witness is not waived.

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## 1 PROCEEDINGS

2 VIDEOGRAPHER: Good morning. My name is  
3 Stephanie Nalley. I'm the videographer today and  
4 Aalayah Purnell is the court reporter. Today is the  
5 8th day of July 2021. The time is now 10:03 a.m. We  
6 are convened by videoconference to take the video  
7 deposition of Michael McDermott in the matter of  
8 Bernard Mims versus The City of Chicago, et. al.,  
9 pending in the US District Court of Illinois, case  
10 number 18-CV-7192. Will Counsel please identify  
11 themselves for the record?

12 MS. GOODWIN: Julie Goodwin and Jennifer Blagg  
13 for the plaintiff.

14 MS. MEADOR: Lisa Meador on behalf of the City  
15 of Chicago. Good morning, Mr. McDermott.

16 THE WITNESS: Good morning.

17 MS. BENJAMIN: Stacy Benjamin for the  
18 individuals, defendant officers and Defendant  
19 McDermott present today.

20 VIDEOGRAPHER: Okay. Thank you. Will the  
21 court reporter please swear in the witness?

22 COURT REPORTER: Mr. McDermott, will you please  
23 raise your right hand? Do you solemnly swear or  
24 affirm that the testimony you are about to give will  
25 be the truth, the whole truth, and nothing but the

1 truth?

2 THE WITNESS: I do.

3 COURT REPORTER: Thank you. Counsel, you may  
4 begin.

5 DIRECT EXAMINATION

6 BY MS. GOODWIN:

7 Q Sir, could you please state and spell your  
8 name for the record.

9 A Michael McDermott, M-C-D-E-R-M-O-T-T.

10 Q Great. And I'm going to adjust my volume on  
11 my end, and if you could just be sure to speak up during  
12 today's deposition. I couldn't hear you very well.  
13 All right. Have you ever provided a deposition  
14 testimony before?

15 A Yes.

16 Q When is the last time that you provided  
17 deposition testimony?

18 A January.

19 Q January of 2021?

20 A Correct.

21 Q And prior to that, have you provided  
22 deposition testimony?

23 A I can't think of any offhand. No. I can't  
24 think of any offhand.

25 Q Okay. You can't recall any other time that

1       **you've provided deposition testimony in a civil matter**  
2       **prior to January of 2021?**

3       A      That's correct.

4       Q      Okay. All right. And in January of 2021,  
5       **were you deposed as a defendant or a witness in the**  
6       **case?**

7       A      Defendant.

8       Q      **And what was the case name?**

9       A      Mitchell.

10      Q      Okay. And what is your understanding of what  
11       **it was alleged in Mitchell that you had done?**

12      A      I'm not quite sure. Arrested an individual  
13       for a murder, and the state's attorney conducted the  
14       interview, and he was found guilty. I -- he -- recall  
15       that he came up with an allegation 30 years later. I  
16       mean, I never heard of it before -- saying that he was  
17       threatened by us. But I didn't interview him.

18      Q      Okay. You never interviewed Mitchell, the  
19       plaintiff in that matter?

20      A      I testified in my deposition that he first  
21       came in; his mother was present. His mother said I -- I  
22       advise him of his rights and she said to go ahead and  
23       talk to him. And there was pretty much my involvement  
24       with -- with him.

25      Q      Did you interview the plaintiff in Mitchell?

1           A     Like I said, he told me he did not want to  
2 talk in front of his mother. And my response -- like I  
3 -- I just remember his deposition. I don't know if I  
4 recall this interview. But that -- that he needed to  
5 have a mother present. And if you didn't want your  
6 mother there, you deal with it. And I got a youth  
7 officer. So youth officer and the Assistant State  
8 Attorney conducted the interview after that.

9           MS. BENJAMIN: And I'm going to object to  
10 further questions about this case. He is  
11 represented by other attorneys in this case.

12           General questions about it I don't have a problem  
13 with, but if you're going to go into the details of  
14 that question. It was actually your office, Loevy &  
15 Loevy, that took his deposition just a few months  
16 ago. And there is 300 and some pages of his  
17 testimony about that case. So I'm going to ask that  
18 you not -- you refrain from further questions about  
19 that case --

20           MS. GOODWIN: Well, his understanding of why he  
21 was sued is in form.

22           MS. BENJAMIN: Sure. I -- and that's why I  
23 didn't object to that. But you're starting to go  
24 into the facts of the case, and I think that is  
25 improper at this point.

1 MS. GOODWIN: All right.

2 MS. BENJAMIN: That deposition is not under  
3 seal. You're probably free to get it from your  
4 colleague, so --

5 MS. GOODWIN: Well again, though, I can read  
6 anything, but his understanding is -- it's  
7 development --

8 MS. BENJAMIN: Right. I'm going to object to  
9 that question -- I'm going to object to that  
10 question. Okay.

11 BY MS. GOODWIN:

12 Q **So sir, have you ever lied under oath?**

13 A No.

14 Q **Have you ever been accused of lying under  
15 oath?**

16 A Yes.

17 Q **And who made the accusations that you lied  
18 under oath?**

19 A Defense attorneys, I guess.

20 Q **And have you ever provided inconsistent  
21 testimony in the matter -- well, under oath?**

22 MS. BENJAMIN: Object to the form.

23 MS. MEADOR: Objection. Form.

24 MS. BENJAMIN: You can answer if you understand  
25 the question.

1           A     I -- I mean, I've had thousands of cases.  
2 I was a detective since 1980. I mean, thousands of  
3 cases. So did I mistakenly misstate a fact or something  
4 -- I mean, possibly I guess.

5 BY MS. GOODWIN:

6           Q     **Do you understand that you're under oath here**  
7 **today?**

8           A     Yes.

9           Q     **Do you understand that even though we're**  
10 **conducting this deposition by Zoom, but the deposition**  
11 **itself still has the, you know, full force of the law**  
12 **behind it, that it can be used in proceedings before a**  
13 **judge at a later time?**

14          A     Yes.

15          Q     **All right. All right. I apologize. All**  
16 **right -- all right. So given that you just provided a**  
17 **deposition testimony back in January, you're probably**  
18 **familiar with the rules of the deposition. But I'm**  
19 **going to be asking you questions today. If there's**  
20 **anything that you don't understand about my questions or**  
21 **if you can't hear me due to any technology, you know,**  
22 **mishaps, just let me know. If you --**

23          A     Okay.

24          Q     **-- answer a question during today's**  
25 **deposition, I will just presume that you fully**

1 understood the question, okay?

2 A Okay.

3 Q If you need a break at any time, you can go  
4 ahead and take one as long as there's not a question  
5 pending; do you understand?

6 A Yes, ma'am.

7 Q Okay. Where are you located today?

8 A 321 North Clark.

9 Q And are you in a conference room at your  
10 attorney's office?

11 A Yes.

12 Q Who is in the room with you?

13 A Attorney Stacy Benjamin.

14 Q Is anybody else in the room?

15 A No.

16 Q And do you have any documents in front of you?

17 A Yes.

18 Q Okay. What documents do you have in front of  
19 you right now?

20 A It looks like a -- a handwritten note, a  
21 affidavit for COH in which I signed it, and it looks  
22 like a timeline written by somebody. And then there's  
23 another like -- I don't know what you would call it, it  
24 was a inter-departmental kind of a summary of things  
25 that was not mine. And one other -- we call it GPRs,

1 but they're notes and make out who wrote it regarding  
2 the Baker homicide, that's it.

3 **Q Okay.**

4 MS. BENJAMIN: And just for the record, those  
5 are the exhibits that you had predesignated before  
6 the deposition that I had printed out for the  
7 convenience of the witness.

8 BY MS. GOODWIN:

9 **Q Okay. Do you have any other documents in**  
10 **front of you, sir?**

11 MS. BENJAMIN: There's an e-mail printout also  
12 of the Zoom information.

13 THE WITNESS: That's it.

14 BY MS. GOODWIN:

15 **Q Okay. Any -- any other documents?**

16 A No.

17 **Q Okay. If you could do me a favor and put the**  
18 **documents to the side --**

19 A Yeah.

20 **Q -- and then we will look at them together,**  
21 **okay?**

22 A Okay.

23 **Q Do you have anything pulled up on your**  
24 **computer screen aside from the Zoom meeting?**

25 A No.

1           Q    Okay. And do you agree not to pull anything  
2 up onto the computer screen during today's deposition  
3 unless of course we talk about it?

4           A    I -- I wouldn't know how.

5           Q    Okay. Do you agree to it?

6           A    Yeah. I agree to it.

7           Q    Okay -- okay. Did you meet with your attorney  
8 prior to today's deposition to prepare?

9           A    Yes.

10          Q    How many times -- well, how many times did you  
11 meet with your attorney?

12          A    I met with Ms. Benjamin one time, yesterday.

13          Q    And did you ever meet with any lawyer  
14 representing the City of Chicago?

15          A    No.

16          Q    And I'll clarify. Did you meet with any other  
17 attorney aside from Ms. Benjamin?

18          A    There was - another female attorney. I -- I  
19 think it was prior to COVID stuff. And it was like real  
20 brief and guessing like a year, year-and-a-half ago,  
21 maybe longer.

22          Q    All right. When you -- well, in order to  
23 prepare for today's deposition, did you review any  
24 documents?

25          A    I kind of looked over the stuff I just talked

1 about here.

2           **Q**     **What do you mean that you kind of looked over**  
3     **it?**

4           **A**     I didn't get into every detail. I kind of  
5     glanced over it.

6           **Q**     **And so in preparation for your deposition**  
7     **today, you glanced over the documents in front of you?**

8           **A**     Yes.

9           **Q**     **Did you review any other documents in**  
10     **preparation for today's deposition?**

11          **A**     Recently or --

12          **Q**     **At any time.**

13          **A**     I mean, like a year or so ago, when I first  
14     went -- met with the attorneys, I kind of went over the  
15     type written supps regarding this homicide, and none of  
16     the reports were mine. So I just -- I didn't give it a  
17     lot of thought, I guess. I didn't go into much detail  
18     with it.

19          **Q**     **Did you review any photographs in preparation**  
20     **for today's deposition?**

21          **A**     Yeah. I did look at a photo array.

22          **Q**     **Okay -- okay. And did you review any audio**  
23     **recordings?**

24          **A**     No.

25          **Q**     **We're here to talk about a lawsuit filed by**

1      **Bernard Mims in regards to the Baker homicide that**  
2      **occurred back in October of 2000. Do you have an**  
3      **independent recollection of your investigation of the**  
4      **Baker homicide?**

5            MS. BENJAMIN: Object to form. You can answer.

6            A      Just like briefly from the facts. I did look  
7      over some of the reports, but I don't know how to answer  
8      that. I -- I know there was a homicide and that up on  
9      how the investigation kind of went down.

10          **Q      Did you take part in the homicide**  
11      **investigation of Blaine Baker?**

12          A      It appears from the paperwork, at some point --  
13      -- I think it's at June of 2001 -- I assisted in some way  
14      of interview of a potential witness. That appears to be  
15      my involvement.

16          **Q      Is it your recollection based on the review of**  
17      **documents that was your only involvement?**

18          A      Well, I was in cold case at the time and our  
19      unit was more or less brought into a federal task force  
20      thing maybe six months before. So in a broad sense,  
21      there was so many -- so many murders that I had some  
22      overview of, I guess a gang that the feds were  
23      targeting. So it might have touched Dina's murder, but  
24      other than it, I don't think I had any other involvement  
25      with this -- this particular case.

1       **Q     You solved the Baker homicide, didn't you?**

2           MS. BENJAMIN: Obj -- could you repeat that?

3           MS. MEADOR: Objection to form.

4       **Q     You solved -- for Stacy's clarification. You  
5     solved the Baker homicide, didn't you?**

6           MS. BENJAMIN: Object to form.

7           MS. MEADOR: Join.

8        A     I -- I don't know what you mean by solved.  
9     I mean in 2001, I was present for one interview, six  
10    months later I was out of the unit. So I mean, because  
11    of that one interview, did it solve it? I mean, I  
12    didn't pursue it, I didn't present it to a state's  
13    attorney, so don't -- I'm not quite sure what you mean  
14    by solving.

15       **Q     Did you read the complaint that was served  
16    against you in this matter?**

17       A     Yes. I did.

18       **Q     And what is your understanding of what  
19    Bernard Mims has alleged in this case?**

20       A     That a case I had very little to do with --  
21    that a person came to our attention, decided to give us  
22    some information, and I should've known that that person  
23    was not being entirely truthful. And that's it.

24       **Q     Are you currently employed?**

25       A     No. The grandkids are the ones that paid.

1           **Q     And what is the last place of your employment?**

2           A     I -- for a part-time security. A couple of  
3 days a month -- a couple of days a week maybe.

4           **Q     And for which company were you working part-**  
5 **time security?**

6           A     It was just a friend of mine. He was a former  
7 police officer.

8           **Q     In what company?**

9           A     Not sure the name of the company. I guess  
10 other police whenever retired if they wanted to work  
11 some security on occasion.

12          **Q     And what is the name of your friend who ran**  
13 **the business?**

14          A     Bob O'Neal.

15          **Q     And for how long or from what dates did you**  
16 **work part-time security for Bob O'Neal?**

17          A     I think it all started -- I don't know that  
18 NADO -- when NADO came in Chicago. And somebody could  
19 tell me what year it was, so it's -- I guess it was off  
20 and on from there I'm guessing five years or so six  
21 years.

22          **Q     Prior to working part-time security for Bob**  
23 **O'Neal, what job did you hold?**

24          A     Well, two things that kind of ran along the  
25 same time. I was -- I worked for the State Attorney's

1 Office as an investigator, and I also worked for the  
2 State of Illinois fraud unit, it was like five of us.  
3 Did -- looked at fraud at workers comp -- compensation.

4 **Q And so for what years -- what dates did you**  
5 **work as an investigator in the State's Attorney's**  
6 **office?**

7 A Well, it's off and on. So I -- I retired in -  
8 - from the Chicago Police Department in 2006 and  
9 originally went to the State's Attorney's Office via  
10 county layoffs, I worked some security jobs through  
11 friends, and I worked -- like I said, for the State of  
12 Illinois for a year or two. I came back to the State's  
13 Attorney's Office and I eventually left there.

14 Q **Why did you leave the State's Attorney's**  
15 **Office?**

16 A I resigned. I -- quite honestly, I hated the  
17 job.

18 Q **Why did you hate the job?**

19 A The serving subpoenas and people don't want to  
20 go to court. And every day you're dealing with this  
21 stuff. I -- I really -- I used to love law enforcement.  
22 I dislike it now.

23 Q **No reason for resigning, was it just because**  
24 **you hated the job?**

25 A There was an allegation that was made, that --

1 I think in like 20 years before that I made a false  
2 statement to OPS. I think there was an allegation.  
3 Instead of fighting it off, I just -- I had enough.

4 **Q What was the nature of the allegation  
5 regarding the false statement?**

6 A I recall maybe 40 years ago, I don't remember  
7 it but according to the paperwork, I went by an open  
8 room, I saw John Birch do something inappropriate to a  
9 person in this room.

10 **Q What was --**

11 A -- and I didn't say -- and I didn't say  
12 nothing.

13 **Q -- Birch -- what was Birch doing when you  
14 walked by the open room?**

15 A I am not going to expound on it because it was  
16 40 years ago and it wouldn't be right to do, so I just -  
17 - I don't have a clear memory of -- of that, but I'm  
18 sure there's documentation. I'll stand by what I said  
19 before.

20 **Q Well, when you say that you'll stand by what  
21 you said before in -- what do you mean by that? You  
22 mean by your testimony?**

23 A I know I was interviewed by Mr. Patrick  
24 Fitzgerald, the US Attorney, and I know it was in front  
25 of a federal grand jury and I'll stand by what I said.

1           **Q     In which capacity though are you standing by**  
2 **what you said?**

3           MS. BENJAMIN: Object to form.

4           A     I don't understand the question.

5           **Q     You're providing inconsistent testimony in**  
6 **regards to what you saw John Birch do, you know, some**  
7 **years back.**

8           MS. BENJAMIN: Object to form.

9           A     I -- I still don't understand the question. If  
10 I -- if I commented on something that I saw 30 years  
11 before, I'm sure it was just a vague memory. Since that  
12 time, I don't know if it's been ten or 15 years. I put  
13 this stuff out of my mind. I just don't think it would  
14 be appropriate. I don't know what the actual truth or  
15 facts now because it's been so long.

16           **Q     What do you mean you don't know the actual**  
17 **facts or truth because it's been so long?**

18           MS. MEADOR: Object to form.

19           A     I -- I work -- I work violent crimes. We were  
20 getting a new murder. It was worse then than it is now.  
21 We were getting thousands and thousands of cases, people  
22 murdered, raped, kidnapped, and robbed. And each case -  
23 - after a while, after 40, 50 years, it kind of blends  
24 together. So I would hate to make a comment about  
25 something and make a mistake when I'm not a 100 percent

1 sure it's -- it's a truthful answer. You know, I just -  
2 - how can you comment about something from 40 years ago.

3 **Q Would you agree that for that reason it's**  
4 **important for police officers to take notes and**  
5 **accurately record their investigation?**

6 MS. MEADOR: Objection. Sorry, Stacy, go  
7 ahead.

8 MS. BENJAMIN: Object to form. Incomplete  
9 hypothetical. You can answer.

10 MS. MEADOR: Joined.

11 THE WITNESS: I think it was my case, so I  
12 would like to record the important details.

13 BY MS. GOODWIN:

14 **Q Oh, not just your case, right. I mean, it's**  
15 **just -- it's a broad statement, that it's important for**  
16 **a police officer to take notes and record details**  
17 **throughout an investigation. Would you agree with that?**

18 MS. MEADOR: Same objections.

19 A On my case -- yeah, I -- I deal with my ca --  
20 everybody has their own cases. I -- I would get new  
21 cases, every day, new cases. So I deal with the stuff  
22 that's assigned to me.

23 **Q So did you ever work on a case -- did you ever**  
24 **interview a witness, work on a case that wasn't directly**  
25 **assigned to you?**